

D/F

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THOMAS M. McNALLY
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June 24, 2014

The Honorable Sandra J. Feuerstein
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT FOR N.Y.
★ JUN 26 2014 ★
LONG ISLAND OFFICE

Re: *St. Martin v. Plymouth Properties*
CV-14-02712 (SJF) (AKT)

Dear Judge Feuerstein:

I write on behalf of the defendant/third-party plaintiff Plymouth Properties. Plymouth Properties has agreed to discontinue the third-party action against the third-party defendant United States Postal Service. A stipulation has been executed between the parties and filed electronically for Your Honor's signature by counsel for third-party defendant.

Given that the United States Postal Service will no longer be a party to this case, it is respectfully submitted that, pursuant to 28 U.S.C. § 1442, this Court no longer has subject-matter jurisdiction over the main action between plaintiff St. Martin and defendant Plymouth Properties.

I have obtained the consent of Stephen Saltzman, counsel for plaintiff, to seek remand of this case back to the Supreme Court of the State of New York, County of Suffolk.

I, therefore, respectfully ask the Court to issue an Order remanding this matter to the Supreme Court of Suffolk County once Your Honor signs the stipulation of discontinuance of the third-party action.

Additionally, on behalf of all parties, I respectfully ask the Court to cancel the upcoming Initial Telephone Conference which is scheduled for July 1st at 1:00 p.m.

Thank you for your consideration of this matter.

Very truly yours,

PEREZ & VARVARO



Denise A. Cariello (6433)
Perez & Varvaro
Counsel for Plymouth Properties

cc: Counsel of Record

The application is granted. The initial conference scheduled for 7/1/14 is cancelled. This action is remanded to the Supreme Court of the State of New York, County of Suffolk. The Clerk of the Court shall close this case and mail a certified copy of this order, pursuant to 28 U.S.C. § 1447(c), to the Clerk of Court, Supreme Court of the State of New York, County of Suffolk.

SO ORDERED.

s/ Sandra J. Feuerstein

U.S.D.J.

6/26/14